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EXAMINER	
RUHL, DENNIS WILLIAM	
ART UNIT	**PAPER NUMBER**
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/028,073	ROGERS ET AL.	
	Examiner	Art Unit	
	Dennis Ruhl	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 April 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Applicant's response of 4/6/07 has been entered. The examiner will address applicant's remarks at then end of this office action.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 1,10,16,20,23,and 30, the scope of the claims is not clear. Much of the claim language of each independent claim is written in terms of what function is provided by certain elements. For example, in claim 1, please note the language of "said network comprising a central server, said central server *having a proprietary stored program for processing a plurality of transactions, each of said transactions involving communication between said central server and at least one client processor, each of said client processors having…..to said proprietary program*.". The language of "*said network comprising a central server*" is a positive recitation to a central server as being part of the claimed invention, as well as the recitation that the server has a program to process transactions (i.e. "*having a proprietary stored program for processing a plurality of transactions")*. The language of "*said transactions involving communication between said central server and at least one client processor, each of said client processors having…..to said proprietary program*" is language describing the kind of transactions that the program is intended to process, and is not seen as claiming

additional structure to the scope of the claim; however, it is not clear if the scope of the claim includes the client processors and other structure mentioned with respect to the kind of transactions. Due to the fact that the client processors are only referred to in functional language that is describing the kind of transactions the program is to process, it is not clear if the scope of the claim includes the client processors or not. One wishing to avoid infringement would not be reasonably made aware of the scope of the claim. The same issue for claim 1 is present in the other independent claims, and they are rejected for the same reasons. Another representative example of the indefiniteness of the independent claims is for claim 20. The claims reads

"*An automatic rental vehicle transaction system* (the preamble),

said system having (the transitionary phrase)

a graphical user interface (GUI) (positively claimed)

through which an authorized purchaser of rental vehicle services may access a rental vehicle software program resident on a computer system, said rental vehicle software program being configured to.....and communicate a rental vehicle reservation to a second computer system, said second computer system comprising... intervention." (functional language)

Upon a reading of the claim it appears that nothing but a GUI has been positively claimed as being part of the claimed system. All of the other structure is simply referred to in functional language and is not apparently claimed positively. The language " *through which an authorized purchaser of rental vehicle services may access a rental vehicle software program resident on a computer system"* is functional language that is

describing in what manner an authorized user ***may*** use the GUI. The rest of the claims is just reciting more function language further describing previously recited functional language. It is not clear if this language is positively claiming the software program and the computer system, mainframes, etc., or if this structure is just mentioned with respect to functional language. One wishing to avoid infringement would not find this reasonably clear and not be reasonably able to ascertain the scope of the claim. This issue is also more important because applicant is arguing most of the elements that are only mentioned in functional language for the patentability of the claims. It appears that applicant feels that these limitations are being claimed, but the examiner finds that this may not be the case. The claims are considered indefinite because it is not clear if much of the claims are required for infringement or not. Because most of the elements in the claim are only mentioned in functional language that has to do with the kind of transactions a server is intended to process, or the kinds of programs and systems a user may be able to access, one has to ask if these are truly in the scope of the claims or just descriptive in nature and therefore not positively claimed. This is not clear and renders the claims indefinite.

For claims 2,3, there is no antecedent basis for "said proprietary software". No software has been previously claimed. It is not clear as to what this is referring to.

For claims 4,5, it is not clear as to what is meant by "a *demographic* of each authorized processor". A Demographic by definition is related to the study of humans and is a statistic that is related to a human population. What is a demographic for a computer? This is not clear.

For claim 7, with respect to the language of "said server processors", only one has been claimed, which is the "second server processor" of claim 7. There is no first server processor claimed and the recitation of "a central server processor" only occurs in the preamble of claim 1 and is never referred to in the body of claim 1. In fact, the body of claim 1 recites a central server and does not use the language "server processor". The body of claim 1 has no server processor claimed. What is claim 7 referring to with respect to "said server processors"? This is not clear.

For claim 8, with respect to "said servers", what does this refer to? Claim 7 recites server processors, claim 1 recites a central server. What servers are there previously claimed? It is not clear what computers/servers/processors are being referred to by "said servers".

For claim 12, there is no antecedent basis for "said client". Is this supposed to be one of the client processors? No client has previously been claimed.

For claims 19,21, there is not antecedent basis for "said *first* computer system". What does this refer to? The only computer systems claimed so far is the "computer system" and "second computer system". No "*firs*t computer system" has been claimed.

For claim 22, there is no antecedent basis for "said internet web portal" as none has been previously claimed. Also, it is not clear as to what is further being claimed in addition to that of claim 20. Reciting specifics of whom it is that may use the system has nothing to do with the structure of the system itself, this is what is being claimed in apparatus claim 20. What is being claimed in claim 22 that further defines the structure of the system that is being claimed in claim 20?

For claim 23, the preamble of the claim indicates that the claim is directed to a method for "processing vehicle rental transactions over the Internet"; however, the examiner notes that the only steps claimed are those of providing client processor, providing a mainframe computer, and providing for connection on demand. These steps do not result in any processing of any vehicle rental transactions, so that is this claim directed to? There is no processing of anything claimed but that is what the preamble states the invention is directed to. This renders the claim indefinite. It is not clear if any actual transaction processing is required to infringe the claim or if just the providing of computers and providing on demand connection (Internet) would be infringing.

For claim 26, there is no antecedent basis for "said user processors" as well as for "their associated main frame". No user processors have previously been claimed and there is no claimed associated main frame as has been referred to here. Is this supposed to be the same as the client processors? Is this another set of processors in addition to the client processors? This is not clear.

For claims 27,28, what is being claimed? What does it mean to "provide for" something? Is this supposed to be the same as claiming "exchange of transaction data" or "storing of data"? What does it mean to provide for? Is the exchange of data or storing of data required in the scope of these claims? This is not clear.

For claim 30, there is no antecedent basis for "said GUI interface software program", "said GUI interface software", and "said second computer". None of these have previously been claimed. The software is claimed as being configured to create a

GUI, so what is the GUI interface software? Is this the same software? This is not clear. What second computer is there? This is not clear. With respect to the claimed "first business computer system" and "a first computer system", are these the same computer system or two different computer systems? The first business computer system is mentioned in the preamble of the claim but is never referred to in the body of the claim so it is not clear if this is supposed to be the same computer system as is claimed with the language "a first computer system". Also, when reading the claim, it appears that applicant has never actually provided a GUI. Claiming that a first computer system is provided that has a software program configured to create a GUI is not actually claiming that there is even any GUI present. Doesn't the GUI need to be created if it is to be provided? The only steps claimed are providing a 1st computer system, establishing a link (no data is being communicated, nothing is being done other that establishing a link), and establishing another link. How do these steps result in a GUI being provided? The scope of this claim is not clear. It is not clear as to what the actual method being claimed is directed to? Is there even a result to this claim?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6,10,11,14,15,19,23,25-28, are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (5794207).

For claims 1-6,10,11,14,15,19,23,28, Walker discloses a method of processing rental vehicle transactions. Walker discloses a system and method that allows a user to obtain the services of a vehicle reservation (as well as airline tickets, etc.). Walker discloses an automatic vehicle transaction system , see figure 1. See figure 5 and column 16, lines 5,6 where rental vehicles are disclosed. The claimed mainframe computer (central server for claim 1, server processor for claim 10) is computer 200, which is a mainframe computer commensurate with the definition provided in the specification on page 14. The computer 200 is disclosed as communicating over the Internet, col. 11, line 58-end. The plurality of client processors are the service provider computers 300. They are located at geographically remote locations and have a GUI web based Internet browser as claimed. This is inherent as one is necessarily required to be able to transfer data on the Internet. Because the computers 200 and 300 are connected via the Internet, this satisfies the step of providing for connection on demand.

For claims 25,27, see column 14, lines 30-52, where the claimed limitation is disclosed. Walker discloses the use of more than one mainframe computer.

For claim 26, as best understood by the examiner, the user processors (client processors ?) are provided with communication as claimed. They communicate via the Internet.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 7-9,12,13,24,29,30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (5794207).

For claims 12,24, Walker does not disclose that the client processors 300 are authenticated before connecting to the mainframe 200. The client processors are used by businesses that provide services to users and are essentially the airlines, car rental agencies, etc.. One of ordinary skill in the art would recognize the fact that you do not want just anyone to be able to get access to the mainframe computer 200, especially when it comes to transaction requests from users. One of ordinary skill in the art would understand that access to the mainframe must be regulated in some manner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to authenticate the client processors 300 before allowing them to connect to the mainframe 200, so that you can be assured that the client processors 300 are who they say they are. The owner of the system of Walker is not going to just let anyone connect

to the mainframe, especially when it comes to service providers represented by client processors 300. One of ordinary skill would be motivated to authenticate client processors 300 as claimed so that you know exactly who it is that is connecting to the mainframe and can keep those that you do not do business with from connecting to the mainframe. With respect to the authorization including a geographic location comparison (claim 12), it would have been obvious to one of ordinary skill in the art to check on the location where a processor is located, so that any attempts to connect from outside the United States would be detected as a possible hacker. Just like with phones one can determine the location you are calling from, the same can be done with computers.

For claim 13, depending on what rental agency the user wants to do business with (restrictions set by user), there will be customization in the sense that each screen is displaying custom information for that specific user and their business they are trying to conduct.

For claims 7,8,29, see column 14, lines 30-52, where Walker discloses the use of more than one mainframe computer. Each computer has the structure disclosed in figure 2. This satisfies multiple processors. Each computer would be connected by a network and this satisfies a LAN. Not disclosed is that the load is balanced between the processors (btwn mainframes). One of ordinary skill in the art would find it obvious to balance the load on multiple processors so that any one processor is not being worked too hard which results in slow performance. One of ordinary skill in the art recognizes that if you use more than one computer/processor to do a job, or to collectively do a job,

you want the workload for the processor to be balanced to some extent. You do not want two processors sitting idle, while another is so overloaded that it cannot handle any more data requests, etc.. This is something that would have been obvious to one of ordinary skill in the art, especially in an art dealing with the use of multiple computers connected by networks such as in Walker.

For claim 9, not disclosed is that the program of Walker is configured to back up data on the two servers from claims 7,8. The backing up of data is very well known in the art. The examiner takes official notice that it is old and well known in the art to back up data in a computer system, so that if you have a computer error or fatal hardware malfunction, such as a hard drive, you still have a copy of all of the data you need to conduct your business. It would have been obvious to one of ordinary skill in the art to configure the central server 200 so that it can create a backup of data as claimed.

For claim 30, Walker discloses the steps of providing a first computer system that has a software program configured to create a GUI interface. The first computer system is satisfied by central controller 200 and the software it contains that creates and displays to the user an interface (graphical) for data input. A user connecting to first computer system 200 is found in Walker. The user logs onto the system 200 via the Internet. The interface of computer system 200 allows for functional interaction with the user as claimed. See figure 5 of Walker where some of this functional interaction is disclosed. The service provider computers are 300 of Walker, such as a car rental agency computer. Not disclosed is that a link is established between an employee computer and the second computer (unclear which computer this is, 112,2nd). The

second computer has been interpreted to be the service provider computers 300, such as the airlines, rental car agencies, etc.. In Walker, the actual process of taking and processing reservations by the service provider takes place at computers 300. This equates to the known prior art structure of an airline's main headquarters computer, or the main reservation computer for a car rental agency. What is missing in Walker is the employee computer, but this is seen as corresponding to the computer that a local branch of a rental car agency would have, or the computers at the counter for the airlines at an airport. The examiner takes "official notice" that it is well known in the art that local agencies, such as a car rental agency and airlines, communicate with a central headquarters by computer. In Walker, the second computers 300 would also obviously have their associated local branch computers as part of their overall network. If a car reservation is booked with one of the providers 300 (second computer), that reservation must be forwarded to the local car rental agency branch, where the actual renting of the vehicle is to take place. This is similar to a travel agent that uses a SABRE system to book flights. There is a central computer (SABRE system) that handles all reservations from the travel agents, and each travel agent communicates with the central computer by establishing a link. It would have been obvious to one of ordinary skill in the art to provide local rental branches with local branch computers (the claimed employee computer) that connect with the second computer 300. The local branches are also where the vehicles for rental can be picked up and reservations can be made. This satisfies what is claimed. The second computer and employee computer are satisfied by a car rental agency headquarters computer (300 in Walker)

and the computer that is at each of the local branches of the rental agency, as is very well known in the art.

8. Claims 16-18,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (5794207) in view of Klein et al. (5726885).

For claims 16-18,20-22, Walker discloses a system and method that allows a user to obtain the services of a vehicle reservation (as well as airline tickets, etc.). Walker discloses an automatic vehicle transaction system , see figure 1. See figure 5 and column 16, lines 5,6. The claimed *computer system* is the central controller/mainframe 200 (also disclosed as being a web server, see col. 15, ln 45-48). The central controller 200 has software that allows a user to enter information regarding a vehicle rental transaction, and that information is then forwarded electronically (via Internet, col. 11, line 58-end) to a second computer system (which is any one of service providers 300). For a description of the operation of the invention see column 15, line 45 to column 17, line 26. This section discloses the use of screens on a webpage that is accessed via the Internet, as well as discussing information that is used in processing the transactions. With respect to the claimed GUI that is on the computer system 200 of Walker, this is inherently present in Walker. The computer software of Walker creates screens where the user is prompted to enter information and information is displayed to the user. This is a graphical user interface. The software and associated graphical representations that a user would see when interacting with the computer system 200 satisfies the claimed GUI. See see column 15, line 45 to column 17, line 26, especially

column 15, line 66 to column 16, line 11. A GUI is necessarily present in Walker (inherently disclosed in Walker), as well as being mentioned in the form of a web browser. This satisfies what is claimed with respect to a GUI. Also, the GUI that is claimed for the second computer system is also necessarily present in Walker. This is because for Klein to be able to communicate data from the mainframe D to the client computers HA, there must be a GUI as claimed that allows the data communication to occur. Not specifically disclosed is that the second computer system is a mainframe computer and a plurality of client computers located as geographically remote locations. The examiner notes the broad definition for the term "mainframe" that was set forth in the instant specification on page 14. This definition has been applied to the claims, but is seen as broad because any computer that can reasonably handle the processing needs of large business applications, satisfies what is claimed. The second computer system 300 of Walker represents service providers such as airlines, car rental agencies, new car dealers, car insurance providers, credit card providers, see columns 31,32 for some examples. Klein discloses a car rental system that allows users to reserve in advance and rent vehicles. Klein discloses that the system is made up of a central computer D and a plurality of remotely located client computers HA, located at rental collection and return points (lots). Users of the system communicate with the central computer D to make reservations and obtain vehicle availability information. It would have been obvious to one of ordinary skill in the art to have the second computer system 300 of Walker, be in the form of a car rental system as is disclosed by Klein, because one of ordinary skill in the art would recognize the system of Klein as being a

desirable system. Conventional car rental agencies have a central headquarters that handles reservations, and reservations can also be made at local car rental branches, just as is disclosed by Klein. Klein is representative of how car rental agencies are set up (as well as airlines, hotels, etc.). One of ordinary skill in the art would have found it obvious to have the car rental service providers 300 of Walker, be in the form of a car rental system as is disclosed by Klein. Applicant is simply claiming the system of Klein in place of one of the service providers 300 of Walker, something that would have been obvious to one of ordinary skill in the art. The resulting structure is a second computer system 300 that is in the form of a mainframe computer D, connected to a plurality of client computers HA located at remote rental locations. The information that is sent to the computer system 200 and that is then sent to the second computer system 300 (the system of Klein), allows for authorizing, processing, and billing of the rental vehicle transaction. This satisfies what is claimed.

For claim 22, the authorized purchaser is not part of the system that is being claimed. If it were, then a 35 USC 101 rejection would be relevant. This claim is not reciting any further structure to the invention that was claimed in claim 20. Reciting specifics of whom it is that may use the system has nothing to do with the structure of the system itself, this is what is being claimed in apparatus claim 20. Additionally, see Walker, column 15, lines 63-end.

9. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

The examiner also notes that the two declarations have been submitted via an IDS. The examiner does not find this to be proper because an IDS is not the proper mechanism that is to be used to introduce evidence into this application. This should be introduced via a 37 CFR 1.132 declaration. What applicant has done is submitted two 132 declarations like they are prior art, which they are not, because they are not predating the filing date of the instant application. They are at best, evidence of a possible statutory bar under 35 USC 102 but this should be introduced in the proper manner. The declarations are noted, but are not seen as being prior art because they were not published documents that were available as of the filing date of this application. They have been reviewed by the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DENNIS RUHL
PRIMARY EXAMINER